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SENATE BILL 288

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Mark Boitano

AN ACT

RELATING TO TRIALS; EXPANDING THE EXEMPTION FROM JURY SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 38-5-2 NMSA 1978 (being Laws 1973, Chapter 150, Section 1, as amended) is amended to read:

"38-5-2. EXEMPTION FROM JURY SERVICE. --

A. Persons who have served as members of a petit jury panel or a grand jury in either state or federal courts within the preceding thirty-six months shall be exempt from sitting or serving as jurors in any of the courts of this state when they, at their option, request to be excused from service by reason of the exemption granted by this section.

B. Any other person may be excused from jury service at the discretion of the judge upon satisfactory evidence presented to the judge with or without the person's

underscored material = new
[bracketed material] = delete

1 personal attendance upon the court.

2 C. Upon request and upon satisfactory evidence
3 presented to the judge with or without the person's personal
4 attendance upon the court, the judge shall excuse from service
5 the following persons:

- 6 (1) an expectant mother;
- 7 (2) a parent or guardian who is not employed
8 full time and who has custody of a child under six years of
9 age; or
- 10 (3) a caregiver for elderly or disabled
11 persons who is scheduled or expected to provide care at the
12 time of the required jury service.

13 D. The judge, in his discretion, upon granting any
14 excuse, may disallow the fees and mileage of the person
15 excused.

16 E. The service upon any jury of any person
17 disqualified shall, of itself, not vitiate any indictment found
18 or any verdict rendered by that jury, unless actual injury to
19 the person complaining of the injury is shown. "